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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,469	01/31/2002	Bernhard Mattes	10191/2109	3503

26646 7590 06/13/2003

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

DUNN, DAVID R

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 06/13/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,469

Applicant(s)

MATTES, BERNHARD

Examiner

David Dunn

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/31/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on January 31, 2001. It is noted, however, that applicant has not filed a certified copy of the German application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castagner et al. (FR 2807983) in view of Lu (6,097,287).

Castagner et al. discloses a protective motorcycle suit comprising: at least one airbag (10); and means for coupling the at least one airbag to a trigger device attached to a motorcycle, the means for coupling including at least one radio station (3a, 3b) for data transmission. Castagner et al. also discloses a trigger device (8) adapted to be connected to the at least one sensor (1) and the radio station.

Castagner et al. shows a source of power (9) on the rider and fails to show at least one coil for receiving power.

Lu teaches a set of coils, one coil on the seat area of the motorcycle (34) and one on the motorcycle rider (24) used to transfer power to a device on the rider.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Castagner et al. with the teaching of Lu in order to provide a more reliable power source for the airbag.

With respect to claim 3, the Examiner takes Official Notice that it is old and well known to transmit in the microwave range (note application, paragraph bridging pages 1 and 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Castagner et al. in order to transfer information in the microwave range in order to avoid interference with other devices.

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bultel et al (6,139,050) in view of Lu (6,097,287).

Bultel et al. discloses a protective motorcycle suit comprising: at least one airbag (7; see column 1, lines 35-40); and means for coupling the at least one airbag to a trigger device attached to a motorcycle, the means for coupling including at least one radio station (8; see also column 4, lines 54-60) for data transmission. Castagner et al. also discloses a trigger device (9) adapted to be connected to the at least one sensor (3a) and the radio station.

Bultel et al. fails to show a coil for transmitting power.

Lu teaches a set of coils, one coil on the seat area of the motorcycle (34) and one on the motorcycle rider (24) used to transfer power to a device on the rider.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bultel et al. with the teaching of Lu in order to provide a more reliable power source for the airbag.

With respect to claim 3, the Examiner takes Official Notice that it is old and well known to transmit in the microwave range (note application, paragraph bridging pages 1 and 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bultel et al. in order to transfer information in the microwave range in order to avoid interference with other devices.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castagner et al. in view of Lu as applied to claims 1-4 above, and further in view of Bomya et al. (6,552,662).

The combination of Castagner et al. and Lu is discussed above and fails to show means for detecting seat occupancy.

Bomya et al. teaches an airbag system using a coil (22) to detect seat occupancy by measuring a phase shift in the field of the coil (see column 3, lines 1-30; column 5, lines 22-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Castagner et al. and Lu in order to easily allow the coil system to detect occupancy to properly operate the airbag suit.

6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bultel et al. in view of Lu as applied to claims 1-4 above, and further in view of Bomya et al. (6,552,662).

The combination of Bultel et al. and Lu is discussed above and fails to show means for detecting seat occupancy.

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Bomya et al. teaches an airbag system using a coil (22) to detect seat occupancy by measuring a phase shift in the field of the coil (see column 3, lines 1-30; column 5, lines 22-23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Bultel et al. and Lu in order to easily allow the coil system to detect occupancy to properly operate the airbag suit.

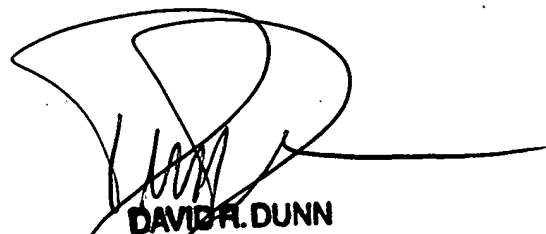
Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jackson et al. shows a motorcycle safety system. Faigle et al. shows a safety system with a RF trasmitter. Alaloof shows an airbag suit of interest. Hoyaukin shows an airbag suit of interest. Guill shows an airbag suit of interest.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 703-305-0049. The examiner can normally be reached on Mon-Thur, alt. Fridays, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.



DAVID R. DUNN
PATENT EXAMINER